

**MEDICAL LICENSING BOARD OF INDIANA
INDIANA GOVERNMENT CENTER SOUTH
402 WEST WASHINGTON STREET
ROOM W064
INDIANAPOLIS, INDIANA 46204**

MINUTES OF APRIL 28, 2011

Stephen Huddleston, J.D., President called the meeting to order at 8:33 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: Stephen Huddleston, J.D., Consumer
Member, President
Robert Allen, M.D.
Donald Vennekotter, M.D., Secretary
Lynda Smirz, M.D.
Bharat Barai, M.D., Vice President

Members Absent: Worthe Holt, Jr., M.D.

Staff Present: Jody Edens, Assistant Board Director
Professional Licensing Agency
Donna Moran, Litigation Specialists
Professional Licensing Agency
James Schmidt, Deputy Attorney General
Office of the Attorney General

Staff Absent: Kristen Kelley, Board Director

The Board voted to adopt the agenda as amended.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Bharat Barai, M.D.

Allen/Smirz, 5/0/0
Motion carries

The Board voted to adopt the minutes of the March 24, 2011 meeting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D., Bharat Barai, M.D.

Barai/Allen, 5/0/0
Motion carries

PERSONAL APPEARANCES

The following personal appearance was continued:

Carlos Malave, M.D.

The following appeared before the full Board for personal appearances and were sworn in under oath:

Debessai Assenni, M.D. – Dr. Assenni appeared before the Board regarding a waiver of the USMLE three (3) attempts rule and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.
Donald Vennekotter, M.D., Lynda Smirz, M.D., Bharat Barai, M.D.

844 IAC 4-4.5-12(2) states "An applicant may have a maximum of three (3) attempts to pass each step of the USMLE."

Dr. Assenni passed Step 3 of the USMLE on the 6th attempt.

Dr. Assenni has not practiced as a physician since 2005. In 2005 he became an Associate Professor in Connecticut and in 2007 he was an Associate Professor at Ivy Tech in Indiana.

He indicated to the Board that he has done shadowing for the past two (2) years in order to stay current with practice and theory.

He also submitted letters of recommendation.

Dr. Assenni requested to withdraw his application for licensure. The Board moved to APPROVE Dr. Assenni's request to WITHDRAW his application for licensure.

Allen/Smirz, 5/0/0
Motion carries

Steven Dugan, M.D. – Dr. Dugan appeared before the Board regarding a positive response on his residency permit application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.
Donald Vennekotter, M.D., Lynda Smirz, M.D., Bharat Barai, M.D.

Dr. Dugan was arrested for a Driving Under the Influence in 2002 with a BAC of .08. He pled guilty and received one (1) year of license suspension and fines.

In 2004, he was again arrested for another Driving Under the Influence. He refused the breathalyzer test. The court final deposition was marked "not guilty".

Dr. Dugan submitted an addictionology evaluation. The evaluation indicated that "no further intervention is necessary".

After further discussion, the Board moved to APPROVE Dr. Dugan's request for a residency permit.

Barai/Vennekotter, 5/0/0
Motion carries

Shoshana Levy, M.D. – Dr. Levy appeared before the Board regarding a positive response on her initial application for licensure and was represented by counsel Kimberly Jeselskis.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D. Donald Vennekotter, M.D., Lynda Smirz, M.D., Bharat Barai, M.D.

Dr. Levy did not complete her residency program. She left after completing 2 ½ years for family reasons.

After discussion the Board moved to APPROVE Dr Levy's application for licensure.

Allen/Smirz, 5/0/0
Motion carries

Jana Seitz, M.D. – Dr. Seitz appeared before the Board regarding a waiver of the USMLE three (3) attempts rule and was represented by counsel Brian Betner.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D. Donald Vennekotter, M.D., Lynda Smirz, M.D., Bharat Barai, M.D.

844 IAC 4-4.5-12(2) states "An applicant may have a maximum of three (3) attempts to pass each step of the USMLE. Therefore, upon the third seating of each step of the exam, the applicant must obtain a passing score."

Judith Robinson, M.D., Medical Director OB/GYN Methodist Hospital, Assistant Program Director OB/GYN Residency Program, Director of Woman Services at HealthNet appeared on behalf of Dr. Seitz.

Dr. Robinson testified that Dr. Seitz exceeds the qualifications for this position. Dr. Seitz will be seeing OB/GYN patients in seven (7) Community Health Centers that HealthNet runs. Most of the patients are below the poverty level. Dr. Seitz will also see indigent patients at Methodist Hospital.

Dr. Seitz pass Step 3 on the fourth (4th) attempt.

After discussion, the Board moved to GRANT the waiver of the three (3) attempts rule based upon the following:

- Appearance of Judith Robinson, M.D., Medical Director OB/GYN Methodist Hospital, Assistant Program Director OB/GYN Residency Program, Director of Woman Services at HealthNet.
- Three (3) year contract with Wishard HealthNet which serves the medically underserved areas of Indianapolis.
- Sitting for her Specialty Boards in June 2011.
- Attended residency program at Indiana University School of Medicine and excelled at it.
- Employer agreed to submit a yearly report to the Board regarding her employment status
- Passed Steps 1 and 2 of the USMLE on the first attempt
- Letters of Recommendations from:
 1. Frederick Stehman, M.D., Professor, Gynecologic Oncology, The Clarence E. Ehrlich Chair, Emeritus, Dept. of Obstetrics and Gynecology Indiana University School of Medicine.
 2. Jon K. Hathaway, M.D., PhD., Assistant Clinical Professor of Obstetrics & Gynecology Indiana University School of Medicine
 3. Mary Pell Abernathy, M.D., MS., FACOG., Residency Program Director, Associate Professor of Clinical Obstetrics & Gynecology Indiana University School of Medicine.

Smirz/Barai, 5/0/0
Motion carries

ADMINISTRATIVE HEARINGS

The following administrative hearings were continued:

Thomas Horiagon, M.D., License No. 01065070A, Cause No. 2011 MLB 0001

Joseph Koenigsmark, D.O., License No. 02001067A, Cause No. 2008 MLB 0030

Navneet Adya, M.D., License No. 01050213A, Cause No. 2011 MLB 0006

Daniel V. Tufariello, M.D., License No. 01063195A, Cause No. 2011 MLB 0012

Paul Chu, M.D., License No. 01040741A, Cause No. 2011 MLB 0019

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter

sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D. Donald Vennekotter, M.D., Lynda Smirz, M.D., Bharat Barai, M.D.

Jeannette Chu was sworn in as a witness for the Respondent.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE SUSPENSION with terms. The Board imposed a \$250 FINE.

After reviewing the settlement agreement and taking its file into consideration, the Board moved to APPROVE the agreement.

Allen/Barai, 5/0/0
Motion carries

Godfrey Ugochukwu Mbonu, M.D., License No. 01066550A, Cause No. 2011 MLB 0002

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the Court Reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D. Donald Vennekotter, M.D., Lynda Smirz, M.D., Bharat Barai, M.D.

After having considered the evidence presented in this matter and taking its file into consideration the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Allen/Barai, 5/0/0
Motion carries

Gurcharan Randhawa, M.D., License No. 01038819A, Cause No. 2011 MLB 0008

Respondent did appear in person and was represented by counsel Ronald Elberger regarding a Settlement Conference & Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Michael Minglin, Senior Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D. Donald Vennekotter, M.D., Lynda Smirz, M.D., Bharat Barai, M.D.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE PROBATION with terms and conditions.

After reviewing the settlement agreement and taking its file into consideration, the Board moved to APPROVE the settlement agreement.

Barai/Smirz, 5/0/0
Motion carries

The Board further moved to NOT impose a FINE.

Smirz/Vennekotter, 5/0/0
Motion carries

Gregory Lee Spangler, M.D., License No. 01028174A, Cause No. 2010 MLB 0010

Respondent did appear in person and was represented by counsel Barclay Wong regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D. Donald Vennekotter, M.D., Lynda Smirz, M.D., Bharat Barai, M.D.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included an EXTENSION of the SUMMARY SUSPENSION until the May 2011 Board meeting.

After reviewing the settlement agreement and taking its file into consideration the Board moved to APPROVE the settlement agreement.

Allen/Vennekotter, 5/0/0
Motion carries

George Keenan, M.D., License No. 01016768A, Cause No. 2011 MLB 0007

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Michael Minglin, Senior Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.

Donald Vennekotter, M.D., Lynda Smirz, M.D., Bharat Barai, M.D.
A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included a \$100 FINE payable within sixty (60) days.

The Board adjourned at 10:05a.m. for a ten (10) minute break at the Respondent's request.

The Board reconvened at 10:15a.m. Let the record reflect that Dr. Barai did not return to the hearing.

Michael Minglin, Senior Deputy Attorney General requested to withdraw the settlement agreement and to continue this matter until the May 2011 meeting.

After discussion, the Board moved to APPROVE the request to withdraw the settlement agreement and to CONTINUE this matter until the May 2011 meeting.

Smirz/Vennekotter, 4/0/0
Motion Carries

Vinit V. Patel, M.D., License No. 01046391A, Cause No. 2009 MLB 0010

Respondent did appear in person and was not represented by counsel regarding a Request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Michael Minglin, Senior Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.
Donald Vennekotter, M.D., Lynda Smirz, M.D., Bharat Barai, M.D.

Currently Dr. Patel is practicing in the state of Alabama.

He is compliant with the terms and conditions of his probation.

After having considered the evidence presented and taking its file into consideration, the Board moved to APPROVE the WITHDRAWAL of PROBATION.

Barai/Smirz, 5/0/0
Motion carries

DISCUSSION

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.
Donald Vennekotter, M.D., Lynda Smirz, M.D., Bharat Barai, M.D.

Proposed Rules for Acupuncture – Jennifer Stone, President of Indiana Association of Acupuncture and Oriental Medicine appeared before the Board regarding proposed rule changes for Acupuncture.

Ms. Stone indicated that she was on the original committee that established the Acupuncture rules and that she has some suggested “clean up” changes to make so that the rules follow the statute.

After discussion, the Board APPROVED moving forward with her suggested rule changes.

Allen/Vennekotter, 5/0/0
Motion carries.

Corporation Questions – The Board reviewed emails from Michael Moellering; Holly Barker; and Rachel Yaffe regarding Medical Corporations.

The Board moved to decline to respond to their questions. The Board stated they have no opinion regarding these matters.

CONSENSUS
Motion carries

Trevor Treasure, M.D. – Inactive status request – Dr. Treasure’s medical and dental licenses are currently on probation. He is currently working as a dentist at the IU School of Dentistry. He is requesting that the Board allow him to place his medical license on inactive status.

After discussion, the Board moved to APPROVE Dr. Treasure’s license to be placed on Inactive/Probation status. The Board also indicated that Dr. Treasure must still comply with all terms of his Probationary Order. They further stated that should Dr. Treasure choose to come off of inactive status he will need to make an appearance before the Board.

Barai/Allen, 5/0/0
Motion carries

Meeting with IUSOM regarding reentry to practice: Dr. Smirz, Kristen Kelley and Stephen Huddleston all met with Dan Evans, CEO, IU Health regarding the reentry to practice program.

Mr. Evans requested additional information. An email was sent to Dan Evans and Herb Cushing, with IUSOM summarizing the program.

The Board thanked Dr. Smirz for her work on this matter.

REVIEW OF INITIAL/RENEWAL APPLICATIONS

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Bharat Barai, M.D.

The Board reviewed the positive response information on the following applicants/renewals and approved them for licensure: CONSENSUS

Nathaniel Phelan, M.D.	Brian Holmes, M.D.	Theresa Long, M.D.
Aaron Reynolds, M.D.	Stanley Hoover, M.D.	David Shoemaker, M.D.
Sharron Grannis, M.D.	Hamid Hai, M.D.	Patrick Lilly, D.O.
Charles Lucas, M.D.	Sunthorn Muangmingsuk, M.D.	
Pradeep Narotam, M.D.	Robert Shideler, M.D.	

The Board reviewed the positive response information on the following applicants/renewals and requested them to appear before the Board:
CONSENSUS

Jonathan Maxham, D.O.	Marsha Silberstein, M.D.	Matthew Reed, M.D.
Sridevi Sompalli, M.D.	Steven Turpin, M.D.	James Hines, M.D.
Jay Radhakrishnan, M.D.		

PHYSICIAN ASSISTANT PRESCRIPTIVE AUTHORITY APPLICATIONS

The Board reviewed and approved the following Physician Assistant Prescriptive Authority applications: Smirz/Vennekotter, 5 /0/0 Motion carries

Participating Board Members: Stephen Huddleston, J.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Robert Allen, M.D., Donald Vennekotter, M.D., Bharat Barai, M.D.

Theodore Hicks, 10001034A
Wesley Coffman, 10000910A
Michael Summitt, 10001150A

There being no further business the Board adjourned at 2:45 p.m.